

### **REMARKS/ARGUMENTS**

Claims 11-17 stand in the present application, claim 11 having been amended and new claim 17 having been added. Applicants note with appreciation the Examiner's allowance of claims 12, 15 and 16, but respectfully submit that in view of the above-described claim amendments and the following remarks that all of claims 11-17 are now in condition for allowance. Accordingly, reconsideration and favorable action in this case is respectfully requested.

In the Office Action, the Examiner has rejected claim 11 under 35 U.S.C. § 102(b) as being anticipated by Ando et al. In view of the above-described claim amendments to claim 11, the Examiner's § 102 rejection of the claim is believed to have been overcome, as will be described in greater detail below.

In rejecting claim 11, the Examiner refers to Figure 1 and notes that Ando discloses a transparent electrode 12, column spacer 14, and alignment layer 18. The Examiner also points out that a transparent electrode layer 17 lies between the alignment layer 18 and the column spacer 14, hence meeting the claimed limitation of no alignment layer being provided to directly overlie or underlie the column spacer.

The Examiner's rejection has been overcome by amending claim 11 to remove the word "directly." By this amendment, claim 11 now recites that no alignment layer is provided to overlie or underlie the column spacer. Such an amendment is intended to include the case of being directly overlying/underlying as well as indirectly overlying/underlying (i.e., with another layer intervening). As stated by the Examiner, Ando provides a transparent electrode layer 17 between column spacer 14 and alignment layer 18, and hence does not meet the limitations of amended claim 11.

The Examiner has also rejected claims 13 and 14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the § 112 rejection.

The Examiner mistakenly contends that claims 13 and 14 are not enabled by the specification. Specifically, the Examiner states that the specification does not disclose how columnar spacers formed in regions where no black matrix exists could be formed if, as claimed by claims 13 and 14, only the black matrix is used as a mask to form columnar spacers. Claims 13 and 14 are directed to Embodiment 2 of the invention, as disclosed from page 41 of the specification. In this embodiment, columnar spacers are provided only in areas where there is an aperture in the black matrix. Hence, there is no need for additional masks. That is, the Examiner has wrongly understood that there would be columnar spacers in regions other than in the region where the black matrix exists.

New claim 17 is similar to claim 11, but recites that the columnar spacer is provided such that one end thereof is in direct contact with the transparent electrode, and the other end thereof is in direct contact with an interlayer insulation layer.

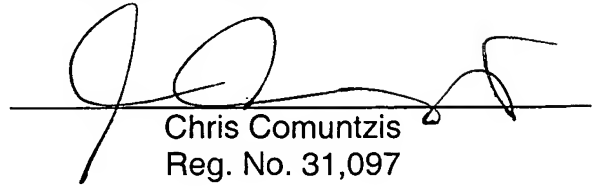
Therefore, in view of the above amendments and remarks, it is respectfully requested that this application be reconsidered and that all of claims 11-17, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

FUJIMORI et al.  
Appl. No. 10/791,832  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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